

**ASSEMBLY BILL**

**No. 249**

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**Introduced by Assembly Member Carter**

February 10, 2009

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An act to amend Section 1289.4 of, and to add Section 1289.6 to, the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 249, as introduced, Carter. Health facilities: marking patient devices.

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. Violations of these provisions constitute a misdemeanor. Existing law also requires long-term health care facilities to implement a theft and loss program, as specified, including a written patient personal property inventory.

The bill would also require, as part of the written patient personal property inventory in long-term health care facilities, a listing, by a unique identification number, of all patient-owned mobility, hearing, eating, or breathing equipment, including, but not limited to, canes, walkers, wheelchairs, hearing aids, oxygen equipment, and denture containers. This bill would require all other health facilities to create a log to track, by serial number or other unique identification number, all patient-owned mobility, hearing, eating, or breathing equipment, as specified. Because the bill would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1289.4 of the Health and Safety Code is  
2 amended to read:

3 1289.4. A theft and loss program shall be implemented by the  
4 long-term health care facilities within 90 days after January 1,  
5 1988. The program shall include all of the following:

6 (a) Establishment and posting of the facility's policy regarding  
7 theft and investigative procedures.

8 (b) Orientation to the policies and procedures for all employees  
9 within 90 days of employment.

10 (c) Documentation of lost and stolen patient property with a  
11 value of twenty-five dollars (\$25) or more and, upon request, the  
12 documented theft and loss record for the past 12 months shall be  
13 made available to the State Department of Health Services, the  
14 county health department, or law enforcement agencies and to the  
15 office of the State Long-Term Care Ombudsman in response to a  
16 specific complaint. The documentation shall include, but not be  
17 limited to, the following:

18 (1) A description of the article.

19 (2) Its estimated value.

20 (3) The date and time the theft or loss was discovered.

21 (4) If determinable, the date and time the loss or theft occurred.

22 (5) The action taken.

23 (d) A written patient personal property inventory is established  
24 upon admission and retained during the resident's stay in the  
25 long-term health care facility. A copy of the written inventory shall  
26 be provided to the resident or the person acting on the resident's  
27 behalf. Subsequent items brought into or removed from the facility  
28 shall be added to or deleted from the personal property inventory  
29 by the facility at the written request of the resident, the resident's  
30 family, a responsible party, or a person acting on behalf of a  
31 resident. The facility shall not be liable for items which have not  
32 been requested to be included in the inventory or for items which  
33 have been deleted from the inventory. A copy of a current inventory

1 shall be made available upon request to the resident, responsible  
2 party, or other authorized representative. The resident, resident's  
3 family, or a responsible party may list those items which are not  
4 subject to addition or deletion from the inventory, such as personal  
5 clothing or laundry, which are subject to frequent removal from  
6 the facility. *The inventory shall include a listing, by a unique*  
7 *identification number, of all patient-owned mobility, hearing,*  
8 *eating, or breathing equipment, including, but not limited to, canes,*  
9 *walkers, wheelchairs, hearing aids, oxygen equipment, and denture*  
10 *containers. If the equipment does not have a serial number or other*  
11 *unique identification number, the long-term health care facility*  
12 *may assign a unique identification number and place a tag with*  
13 *that number on the item.*

14 (e) Inventory and surrender of the resident's personal effects  
15 and valuables upon discharge to the resident or authorized  
16 representative in exchange for a signed receipt.

17 (f) Inventory and surrender of personal effects and valuables  
18 following the death of a resident to the authorized representative  
19 in exchange for a signed receipt. Immediate notice to the public  
20 administrator of the county upon the death of a resident without  
21 known next of kin as provided in Section 7600.5 of the Probate  
22 Code.

23 (g) Documentation, at least semiannually, of the facility's efforts  
24 to control theft and loss, including the review of theft and loss  
25 documentation and investigative procedures and results of the  
26 investigation by the administrator and, when feasible, the resident  
27 council.

28 (h) Establishment of a method of marking, to the extent feasible,  
29 personal property items for identification purposes upon admission  
30 and, as added to the property inventory list, including engraving  
31 of dentures and tagging of other prosthetic devices.

32 (i) Reports to the local law enforcement agency within 36 hours  
33 when the administrator of the facility has reason to believe patient  
34 property with a then current value of one hundred dollars (\$100)  
35 or more has been stolen. Copies of those reports for the preceding  
36 12 months shall be made available to the State Department of  
37 Health Services and law enforcement agencies.

38 (j) Maintenance of a secured area for patients' property which  
39 is available for safekeeping of patient property upon the request  
40 of the patient or the patient's responsible party. Provide a lock for

1 the resident's bedside drawer or cabinet upon request of and at the  
2 expense of the resident, the resident's family, or authorized  
3 representative. The facility administrator shall have access to the  
4 locked areas upon request.

5 (k) A copy of this section and Sections 1289.3 and 1289.5 is  
6 provided by a facility to all of the residents and their responsible  
7 parties, and, available upon request, to all of the facility's  
8 prospective residents and their responsible parties.

9 (l) Notification to all current residents and all new residents,  
10 upon admission, of the facility's policies and procedures relating  
11 to the facility's theft and loss prevention program.

12 SEC. 2. Section 1289.6 is added to the Health and Safety Code,  
13 to read:

14 1289.6. A health facility, except for a long-term health care  
15 facility, shall create a log to track, by serial number or other unique  
16 identification number, all patient-owned mobility, hearing, eating,  
17 or breathing equipment, including, but not limited to, canes,  
18 walkers, wheelchairs, hearing aids, oxygen equipment, and denture  
19 containers. If the item does not have a serial number or other  
20 unique identification number, the health facility may assign it a  
21 unique identification number and affix a tag with that number to  
22 the item. The log shall be searchable by both patient and unique  
23 identification number.

24 SEC. 3. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.